

3/6/2013

V-Pick-It

Industrial SW

MLB Notes

Complicating notes:

- Is the internal outlet noted & photographed on pp 7-8 of theings in report really connected to stormwater?
  - In SWRAA, V-Pick-It claims they are connected to the KC-MD sanitary sewer (p. 19)
- Facility was just acquired by Pick-n-Pull, so the company had only a small window to upkeep facility prior to Noji's inspection (might be their defense)
- When did MNR receive the Application for Transfer of Operating Permit?
  - Unsigned copy on CO has printed anticipated date of 12/14/12 for transfer to occur
- I suspect Pick-n-Pull is adjusted to operating under SW permits in CA, where specified BMPs like inlet protection, SWRAAs, inspections, and spill cleanup procedures are likely required.  
permit does not require these items
- MNR gave Noji V-Pick-It's old SWRAA, ~~that dated 3/24~~  
Does PnP plan to continue using it as their SWRAA?

Say Borch

Talked to Reb Bredehoff on 3/7/13 about RERA's role in the case. - RERA program has an open cleanup (<sup>almost done</sup> case) and a penalty order waiting on CWA. RERA has, at minimum, a hazardous waste determination case also waiting on water, and it would like to see a CWA finding relative to discharge of used oil. But ESDRERA has no used oil case on its own b/c MoARR's used oil regs have been superseded by EPA → ... that would have to address that. RERA has

3/11/2013

Specific violations at PnF:

1) Failure to conduct training (Reg. 2 of permit)

PnF, unlike U-Pick-It, has a good training regimen corporate-wide.

2) Improper outdoor storage of batteries (Reg. 1D)

According to PnF's business practices, batteries do not reach the customer yard.

3) Failure to mark all outfalls in the yard (Reg. 15)

PnF's BMP for drain inlets (protection w/ waddle, boom, switch hat, and pillow) goes beyond just marking them in the field, although PnF needs to be reminded that they also need to label the outfalls given that customers are present on the grounds.

4) U-Pick-It did not submit an annual operating report for 2012 ~~(Reg.)~~ ("Annual Reporting" paragraph of permit)

PnF did not have this responsibility

5) Failure to drain chemicals & fluids from mechanical parts prior to storing them in the yard (Reg. 1D)

All of the vehicles in place at time of inspection were U-Pick-It's subject to practice of inadequately draining fluids.

6) Failure to clean up spills of fluids or chemicals within 24 hours (Reg. 7)

Spills at time of insp'n were result of V-Flick-It practices. PnP has a decent training bulletin on spill cleanup.

7) Failure to report spills that leave the property within 24 hours. Several spots and stains were observed.

PnP has an internal reporting threshold of 5 gal, and they elevate it to MNR if spill  $\geq$  25 gal.

3/11/13

Next steps for this case: Evaluate the MNR materials I get back via Sunshine request. Assuming the permit was indeed properly transferred, I will ask Synthesis if we can talk about the case prior to the next scheduled SW team mtg. on Th. 3/21 (when I won't be in office).

I will describe transfer of permit & who has liability

3/13/2013. Received info from James Helgeson (KCRD) saying that Flick-n-Fill has a pending transfer of permit application in the office, undergoing permit mod. It was received at the KCRD 1/25/2013. I will therefore not need any further info from KCRD but will still await any records that the MNR central office might produce.

3/21/2013 SW Team Mtg — U-Pick-It discussion item

How long has U-Pick-It (or previous owners) been there?

- talk to MDEQ

Send followup inspector

Naji — why was this so bad?

How long ago did RCRA/PCB inspect? What evidence?

4/2/2013 Meet w/ Deborah & Marc M.

Marc — ~~#1 off~~ contingent on how well they clean up; get out of PCB universe; then penalty falls w/ value of SEPA

Feb 2009 photos from RCRA inspection (Diedrich W.)

- shows oil going to storm drain

- Cynthia has these documents and will send them to me [redacted]

4/14/2013 Requested an attorney from Leslie

4/12/2013

Notes from review of U-Pick-It RCRA insp report

1) Oil spill stains observed throughout the vehicle yard  
See photos 18, 19, 20, 23, 25-37

2) Evidence that oil had reached a storm drain  
outdoors in two locations

See photos 21, 22, 24, 48-50  
W side of site S side of site near heel



6/11/2013PICK-N-PULL  
~~DP~~

500 gal spill of a red substance  
Patrick Peltz (MNR-KCRD) called w/ info on  
a reported spill.

- PN P spilled ~1500 gal water from vacuuumed drains, which came from drains (sludge + water)
- 7 days prior w/ no written report to MNR
- Spill traveled under <sup>winner</sup> Winter St. Bridge
- Was dumped there deliberately (release)
- Call received from neighbor
- Env works did remediation, took samples,  
no data on analytes yet
- 3 tanks needed to contain material from built by  
#16-251-0713 (office)  
457-#48-1673 (cell)

6/27/2013 Left message w/ Patrick Peltz seeking update on his investigation. Can we get any info from him and/or  
Arc Pipe Cleaning on the SW pipes definitely reaching discharging to the Blue River?

6/28 Patrick returned my call.

He is drafting an NOV that will likely be signed by Andrea Collier in early- to mid-July (after EO in MNR)  
- It will cite factors to mark outfalls, ~~superiorities~~  
outfalls, and discharge of substance to Blue River

OVER →

Patrick will send me his analytical report on the pollutants in the pipe clean-out material that Ace dumped (on Monday?). Ace claims that PNP told them to dump the material, but PNP denies that. Was there criminal intent here? Perhaps, but Patrick doesn't know.

PNP then fired Ace b/f they could finish their job, which was supposed to include mapping the SW lines all the way to the river. PNP will now supposedly hire a new contractor to finish that job, which is all part of PNP's effort to respond to DNR's charge that the facility doesn't know all its outfalls.